

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

TERESA SPAGNA,

Plaintiff,

vs.

DANIEL W. TIFT, JONAH M. BUSS, CODY  
M. CASPER, ALAN J. ANDERSON, and  
DAVID MELER, individually and as agents of  
Phi Kappa Psi Fraternity, Inc. and the Nebraska  
Beta Chapter of Phi Kappa Psi Fraternity; and  
NEBRASKA BETA CHAPTER OF PHI  
KAPPA PSI FRATERNITY, an unincorporated  
association;

Defendants.

8:19CV481

**ORDER TO SHOW CAUSE**

[Federal Rule of Civil Procedure 4\(m\)](#) provides, “If a defendant is not served within 90 days after the complaint is filed, the court -- on motion or on its own after notice to the plaintiff -- must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” [Fed. R. Civ. P. 4\(m\)](#).

Plaintiff filed an Amended Complaint on April 3, 2020, adding Nebraska Beta Chapter of Phi Kappa Psi Fraternity, an unincorporated association, as a defendant. ([Filing No. 92](#)). More than 90 days has elapsed since the Amended Complaint was filed and to date, Plaintiff has not filed any return of service indicating service on that defendant, a waiver of service has not been filed, that defendant has not entered a voluntary appearance, and Plaintiff has not requested an extension of time to complete service upon that defendant. Accordingly,

**IT IS ORDERED** that Plaintiff shall have until **August 27, 2020**, to show cause why this case should not be dismissed as to defendant Nebraska Beta Chapter of Phi Kappa Psi Fraternity, an unincorporated association, pursuant to [Federal Rule of Civil Procedure 4\(m\)](#) or for want of prosecution. The failure to timely comply with this order may result in dismissal of this action as to Nebraska Beta Chapter of Phi Kappa Psi Fraternity, an unincorporated association without further notice.

Dated this 13<sup>th</sup> day of August, 2020.

BY THE COURT:

s/Michael D. Nelson  
United States Magistrate Judge